



**NOTICE OF APPEAL FROM THE EXAMINER
TO THE BOARD OF PATENT APPEALS AND
INTERFERENCES**

3 AF
2126

In re application of: Miller, et al. Docket No.: RO999-057
 Serial No.: 09/421,585 Group Art Unit: 2126
 Filing Date: 10/20/99 Examiner: OPIE, GEORGE L.

For: APPARATUS AND METHOD FOR PASSIVELY MONITORING LIVENESS OF JOBS IN A CLUSTERED COMPUTING ENVIRONMENT

Mail Stop AF
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

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Technology Center 2100

Dear Sir/Madam:

Applicant or patent owner hereby appeals to the Board of Patent Appeals and Interferences from the decision dated 02/25/04, of the Examiner finally rejecting claims 1-26.

The items checked below are appropriate:

1. An extension of time to respond to the final rejection.
 - a. was obtained on _____ for _____ months(s).
 - b. is hereby requested under 37 CFR 1.136.
2. Appeal fee amount \$330.00
 Extension of time fee amount \$0.00
 - a. Enclosed
 - b. Charge to Deposit Account No. 09-0465 for IBM Corporation

One additional copy of this Notice is enclosed herewith.

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Respectfully submitted,


 Derek P. Martin
 Reg. No. 36,595

I HEREBY CERTIFY THAT THE CORRESPONDENCE TO WHICH THIS STATEMENT IS AFFIXED IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE, POSTAGE PAID, AS FIRST CLASS MAIL IN AN ENVELOPE ADDRESSED TO: MAIL STOP AF, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, ON: 05/25/04

SIGNED: 